UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.241/44
1 February 1996

ENGLISH
Original : ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
THE ELABORATION OF AN INTERNATIONAL CONVENTION
TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
Eighth session
Geneva, 5-16 February 1996
Agenda item 2

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

Note by the Secretariat

In its decision 7/6, adopted at its seventh session, the INCD requested the Secretary-General of the United Nations to "submit to the Committee at its next session a report on the nature of administrative arrangements that can be provided and on support from the United Nations to the Permanent Secretariat without being fully integrated in the work programme and management structure of any particular programme."

Attached is a note by the Secretary-General responding to the request.

GE.96-60368

Administrative arrangements for the Permanent Secretariat of the United Nations Convention to Combat Desertification

Note by the Secretary-General

1. This note responds to decision 7/6 of the Intergovernmental Negotiating Committee (INCD) at its seventh session whereby the Committee decided "to request the Secretary-General of the United Nations to submit to the Committee at its next session a report on the nature of administrative arrangements that can be provided and on support from the United Nations to the Permanent Secretariat without being fully integrated in the work programme and management structure of any particular programme."

2. The following report takes account of INCD consideration to date of the location of the Permanent Secretariat of the Convention to Combat Desertification (the Convention) and arrangements for its functioning, as well as of the financial rules, and of the programme and budget, of the Conference of the Parties (COP), its subsidiary bodies and the Permanent Secretariat, on the basis of documents A/AC.241/34, A/AC.241/35 and A/AC.241/36. It also reflects experience in developing an institutional linkage between the United Nations and the Secretariat of the United Nations Framework Convention on Climate Change for the establishment of administrative and support arrangements from the United Nations for that Secretariat, without it being fully integrated in the work programme and management structure of any particular programme.

A. Scope of the administrative and support arrangements

3. In responding to the request of the INCD, the Secretary-General has noted that the COP has an independent legal character and is not a subsidiary of the General Assembly or of any other body. He further has assumed that:

(a) the COP will wish to place the Permanent Secretariat within the framework of an existing institution, so as to avoid having to establish a fully-fledged new institution;

(b) the COP will adopt the core budget for the functioning of Convention bodies, including the Permanent Secretariat, and will finance this budget by a combination of contributions from the Parties, of contributions by the Government hosting the Permanent Secretariat and of contributions by the host institution, and by other institutions providing support to activities of the COP; and

(c) the Permanent Secretariat will respond to policy guidance from the COP and its head will be accountable to the Secretary-General of the United Nations as outlined here below, in section G, paragraph 23, for the implementation of mandated activities and for the use of funds contributed for these activities.

4. Consequently, administrative and support arrangements for the Permanent Secretariat should respect the distinct character of the Convention and provide for the autonomy, responsiveness and accountability of its Permanent Secretariat. It would be necessary, at the same time, to place the Permanent Secretariat in a sound and supportive framework of administrative regulations, rules and procedures that would satisfy the expectations of the Parties with respect to the effective management of resources contributed.

5. The scope of the arrangements should also correspond to the global and multidisciplinary nature of the problems addressed by the Convention and of the responses that these require. The arrangements should facilitate the mobilization of the full range of scientific, technical and economic expertise required by the Convention, in particular to support the activities of specialized subsidiary bodies of the COP, as well as the analysis and review by the COP of measures undertaken in fulfilment of commitments under the Convention. They should buttress the Permanent Secretariat's basic functions, including the facilitation of assistance to affected developing country Parties in the compilation and communication of information required under the Convention and the facilitation of consultative processes in Africa, Asia and Latin America and the Caribbean. In addition, they should provide the Permanent Secretariat with appropriate linkages to relevant intergovernmental and inter-agency processes, including those of related Conventions.

6. The Secretary-General advises that the Permanent Secretariat should be institutionally linked to the United Nations, while not being fully integrated in the work programme or management structure of any particular department or Programme. The general principles of this linkage, and its implications for the United Nations, could be recorded in reciprocal decisions of the COP and the General Assembly. Subject to General Assembly approval, the United Nations is prepared to provide administrative and other support on a reimbursable basis as described in the sections below, along the same lines as that provided to the United Nations Framework Convention on Climate Change as of January 1, 1996.

7. The administrative and support arrangements should be effective from the end of the present provisions for the Interim Secretariat, likely this would mean from 1 January 1998 if current projections regarding the entry into force of the Convention hold true. The arrangements should be for defined duration, possibly four years, and include a provision for their review and modification during that period. Such an approach would enable the arrangements to evolve in response to the changing needs of the Convention.

B. Collaboration and synergy

8. A number of departments and Programmes of the United Nations, as well as agencies of the United Nations system, have complementary mandates and capacities in relation to the Convention, which have allowed them to support the Interim Secretariat of the Convention and the INCD negotiating process more generally. This provides a basis for future cooperation in support of the COP, its subsidiary bodies and the Permanent Secretariat by such entities, including the Department of Policy Coordination and Sustainable Development (DPCSD), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP), as well as the Food and Agriculture Organization (FAO), the International Fund for Agricultural Development (IFAD), and the World Meteorological Organization (WMO). Consequently, it would be appropriate for such entities to enter into

understandings specifying the nature of cooperation and the support which each would provide to the Permanent Secretariat. These understandings would be an adjunct to the overall arrangement between the COP and the United Nations.

C. Provision of administrative support

9. An efficient arrangement for administrative support to the Permanent Secretariat would ensure proper procedures, controls and accountability, while allowing for managerial autonomy, flexibility and accountability to the COP. The United Nations office, department or Programme that could best provide such administrative support could be recommended once agreement has been reached, whether by decision of the COP or through earlier consensus in the INCD, where to locate the Permanent Secretariat and whether to place it in a common administrative framework with another Convention secretariat or other units of the United Nations Secretariat.

10. Meanwhile, given the broad commonality among administrative regimes and experience establishing administrative support for the Climate Change Secretariat, certain general characteristics of the administrative arrangements can be indicated, realizing that specific aspects would have to be spelled out in due course.

(a) *Personnel management*

11. It would be possible to delegate authority to the head of the Permanent Secretariat for the recruitment of staff for service limited to that secretariat, for their promotion and for the termination of such service. The Secretary-General of the United Nations would retain his disciplinary authority under Article X of the Staff Regulations, and the authority to take decisions on appeals under Article XI of those regulations. The head of the Permanent Secretariat would administer its staff in accordance with United Nations Staff Regulations and Rules and the common system of salaries and allowances. Special rules may be established by the Head of the Permanent Secretariat in agreement with the Secretary-General of the United Nations for staff whose appointments are limited to service in that Secretariat.

12. The core staff of the Permanent Secretariat would be supplemented by staff assigned, loaned or seconded on a reimbursable basis to the Permanent Secretariat from the United Nations Secretariat or its Programmes or from specialized agencies, in accordance with the terms of the Inter-Organization agreement concerning transfer, secondment or loan of staff among the Organizations applying the United Nations Common System of salaries and allowances.

13. The United Nations would conduct recruitment at the request and on behalf of the head of the Permanent Secretariat, and would administer the staff so recruited. "Administration" in this context signifies taking decisions on, and processing of, statutory entitlements under the staff regulations and rules and giving effect to decisions taken by the head of the Permanent Secretariat regarding the appointment, promotion, transfer, separation, and dismissal of staff and appeals in accordance with Chapters X and XI of the Staff Regulations.

(b) *Procurement of goods and services*

14. The procurement services of the United Nations would be available, on request, to the head of the Permanent Secretariat.

(c) *Provision and maintenance of office space*

15. The Secretary-General notes that the provision and maintenance of office space for the Permanent Secretariat may be covered by arrangements with the host Government, once the physical location of the Permanent Secretariat is decided by the COP. Should it be necessary to do so, the Secretary-General would be prepared to make proposals in due course concerning any aspects of this matter that may not be adequately covered by such arrangements.

(d) *Legal services*

16. The Office of Legal Affairs of the United Nations would provide the Permanent Secretariat with advisory services, for example in the drafting of headquarters agreements with the Government hosting the Permanent Secretariat.

D. Financial services

17. Financial services would be provided in accordance with the Financial Regulations and Rules of the United Nations.

18. The following financial services *inter alia* would be provided by the United Nations, in consultation with the head of the Permanent Secretariat:

(a) establishment and servicing of the trust fund or trust funds to be managed by the head of the Permanent Secretariat in accordance with the financial rules adopted by the COP, including:

(i) maintenance of appropriate sub-accounts and, if required, a working capital reserve,

(ii) appropriate procedures to ensure that expenditures from special purpose trust funds or sub-accounts are consistent with the terms and conditions of contributions to them,

(iii) transfer of any balances in the Trust Fund and the Special Voluntary Fund established by General Assembly resolution 47/188 to the appropriate new trust funds or sub-accounts,

(iv) investment of trust fund contributions not immediately required and crediting of resulting income as appropriate,

(v) auditing in accordance with the internal and external audit process of the United Nations, including the submission of interim and final accounts for each financial period, as certified by the head of the Permanent Secretariat, to the Board of Auditors for audit and opinion, and

(vi) provision to the Parties during the second year of each financial period of an interim statement of accounts for the first year and provision of a final audited statement of accounts for the full financial period as soon as practicable;

(b) opening of bank accounts;

(c) receipt and posting of contributions, and advice thereof to the head of the Permanent Secretariat;

(d) maintenance of such accounting records as may be required by the head of the Permanent Secretariat;

(e) approval of payments in accordance with the terms of rule 108.9(c) of the United Nations Financial Rules and Regulations;

(f) disbursements, including payroll services; and

(g) provision of the Office of Internal Oversight Services, within its work programme, for the internal audit of Convention financial systems.

19. The formulation, review and approval of the administrative budget of the Convention should be solely within the purview of the COP and the Permanent Secretariat. In addition, the head of the Permanent Secretariat should issue allotments pursuant to the appropriations approved by the COP, which at no time should exceed available income, and should have certification authority for expenditures from the Convention trust fund or trust funds, which can be delegated.

E. Location of Permanent Secretariat

20. The United Nations could put into effect the institutional arrangements outlined in this report, including its administrative aspects, whatever the physical location of the Permanent Secretariat. As indicated in paragraph 9, however, the choice of the source of administrative support for the Permanent Secretariat would best be made with knowledge of the decision of the COP on physical location. Consideration could then be given to the possible financial and other advantages to be gained for the Permanent Secretariat, consistent with its managerial and operational autonomy, by drawing upon administrative and infrastructural services already available at the chosen location or sharing such services with other units located there.

F. Reimbursements, charges and offsetting contributions

21. In view of the considerations in paragraphs 3 to 6 above, the Secretary-General would request the General Assembly to approve the following arrangements regarding reimbursements, charges and offsetting contributions for the first financial period of the Convention, which would likely cover the biennium 1998-1999, with arrangements for later financial periods to be agreed before the start of the second financial period.

(a) In order to ensure the financial security of the Convention, particularly in the early phases of its implementation, the regular budget of the Unites Nations for the biennium corresponding to the first financial period of the Convention would cover budget expenditures for core staff of the Permanent Secretariat at a level similar to the one provided for during the negotiation of the Convention and the interim period before its entry into force.

(b) The overhead charges paid to the United Nations for administering trust funds would be levied on the basis of actual costs incurred. The level of the overhead charges would be determined once the source of administrative support has been decided. A substantial portion of these charges would, however, be allotted to the Permanent Secretariat to defray administrative expenses.

G. Head of Permanent Secretariat

22. The Secretary-General would appoint the head of the Permanent Secretariat after consultation with the COP, which would determine the level and term of office of the appointment. The Secretary-General could extend the term of office after consultation with the COP. Consultations in both cases would be conducted through the Bureau of the COP. The head of the Permanent Secretariat should be accountable to the COP for the implementation of policies and programme of work it approves and to the Secretary-General, as the chief administrative officer of the United Nations, including for the observance of the Financial and Staff Regulations and Rules of the United Nations.

H. Next steps

23. The Secretary-General would be pleased to consider any points raised by the INCD at its eighth session regarding possible adjustments or clarifications to the arrangements outlined in this report and to submit additional information to the ninth session of the Committee. Once the Committee and the Secretary-General were jointly satisfied, a draft decision could be prepared covering various aspects of the arrangements. The Committee could also, at an appropriate time, request the specialized agencies of the United Nations referred to in paragraph 8 to make proposals regarding the services and support they would provide to facilitate implementation of the Convention.

24. Assuming agreement on satisfactory arrangements were reached, the Secretary-General would, once the location of the Permanent Secretariat is determined, make a recommendation concerning the sources of administrative support for the Permanent Secretariat. At the appropriate time, as indicated in paragraph 22, the Secretary-General would also make a first appointment to the post of head of the Permanent Secretariat.